APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,891	08/30/2001	Michael Gary Platner	050415	2086

23464	7590	05/22/2006

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EXAMINER
GOLD, AVI M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/943,891	PLATNER ET AL.
	Examiner	Art Unit	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2006</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>2,5,8,10,24,25,30,33,34 and 36-41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2,5,8,10,24,25,30,33,34 and 36-41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) ☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ .	6) ☐ Other: _____ .

DETAILED ACTION

The amendment received on February 21, 2006 has been entered and fully

considered. Claims 8 and 30 were amended. Claims 40 and 41 were added. Claim 2,

5, 8, 10, 24, 25, 30, 33, 34, and 36-41 are currently pending.

Response to Amendment

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claim 40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

3.   Claim 40 recites the limitation "audio file" in the third line. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2, 8, 10, 25, 36, and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over D'Arlach et al., U.S. Patent No. 6,026,433 further in view of

Kobayakawa et al., U.S. Patent No. 6,119,078.

D'Arlach teaches the invention substantially as claimed including creating and

maintaining a Web site in client-server network environments (see abstract).

As to claim 8, D'Arlach teaches a method for automatically generating a web

document in real time comprising:

providing at least one prearranged web document wherein said at least one

prearranged web document is capable of being displayed on a computer using a web

browser (col. 5, lines 14-21, D'Arlach discloses an existing template that can be

displayed by a browser in a client computer);

providing a database with preprogrammed information (col. 5, lines 1-3, D'Arlach

discloses a template database);

providing a form document (col. 6, lines 25-29, D'Arlach discloses an editing

form);

selecting user variables wherein said user variables are selected from said

preprogrammed information using said form document (col. 6, lines 25-29, D'Arlach

discloses a user selecting attributes from the form); and

automatically and dynamically generating a user web document adapted for

display on said computer, wherein said user web document is generated based on said

desired user variables and said form document, said user web document being

electronically linked to said prearranged web document (col. 6, lines 40-44, D'Arlach

discloses in response to user choices a customized Web page being displayed).

D'Arlach fails to teach the limitation further including user variables in a first

language, said user web document generated in a second language, and wherein said

first and second languages are spoken languages..

However, Kobayakawa teaches data processing systems, methods and

computer program products for translating documents written in foreign languages (see

abstract).   Kobayakawa teaches the use of a user choosing a translation environment

and foreign and native languages for translation (col. 6, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify D'Arlach in view of Kobayakawa to use user variables in a first

language, have the user web document generated in a second language, and use

spoken languages. One would be motivated to do so because it allows for users with

different native languages to view the same web document in their language (col. 2,

lines 1-4).

Regarding claim 2, D'Arlach and Kobayakawa teach the method of claim 8,

wherein said at least one prearranged web document comprises a prearranged set of

web documents (col. 5, lines 26-29, D'Arlach discloses a user choosing from different

templates).

As to claim 10, D'Arlach and Kobayakawa teach the method of claim 8, further comprising automatically determining said second language from said computer or said web browser (col. 9, lines 1-6, Kobayakawa discloses the use of translating foreign language into native language; the native language being the language used by the computer).

As to claims 25, D'Arlach and Kobayakawa teach the method of claim 8.

D'Arlach fails to teach the limitation further including automatic determination of said second language from said computer or said web browser.

However, Kobayakawa teaches the use of translating foreign language into native language; the native language being the language used by the computer (col. 9, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach in view of Kobayakawa to automatically determine said second language from said computer or said web browser. One would be motivated to do so because it allows for users with different native languages to view the same web document in their language.

As to claim 36, D'Arlach teaches a computer program product, tangibly stored on a computer-readable medium, for dynamically creating a web-based document in a spoken language from a web-base form document in a different spoken language, comprising instructions operable to cause a programmable processor to:

receive the web-base form document, wherein the web-base form document

comprises prearranged document template information (col. 5, lines 14-21, col. 6, lines

25-29);

detecting one or more user variables (col. 6, lines 25-29);

dynamically creating the web-based document using one or more user variables,

wherein the web-based document is generated from the web-based form document

according to the prearranged document template information (col. 5, lines 14-21, col. 6,

lines 25-29, lines 40-44).

D'Arlach fails to teach the limitation further including the document in a default

spoken language, automatically detecting a default spoken language for the document,

and user variables indicating a desired spoken language that is different from the

default spoken language.

However, Kobayakawa teaches data processing systems, methods and

computer program products for translating documents written in foreign languages (see

abstract). Kobayakawa teaches the use of a user choosing a translation environment

and foreign and native languages for translation (col. 6, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify D'Arlach in view of Kobayakawa to use a document in a default

spoken language, automatically detecting a default spoken language for the document,

and user variables indicating a desired spoken language that is different from the

default spoken language. One would be motivated to do so because it allows for users

with different native languages to view the same web document in their language (col.

2, lines 1-4).

Regarding claim 40, D'Arlach discloses the method of claim 8, wherein at least

one of said user variables is assigned to a graphic display, and wherein the graphic

display presented when the web page is generated in said first language differs form the

audio file presented when the web page is generated in said second language (col. 9,

lines 10-22, D'Arlach discloses the change of graphics displayed).

6.   Claims 5, 33, 34, and 37-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over D'Arlach and Kobayakawa further in view of Evans, III, U.S. Patent

No. 5,732,231.

D'Arlach teaches the invention substantially as claimed including creating and

maintaining a Web site in client-server network environments (see abstract).

Kobayakawa teaches the invention substantially as claimed including data processing

systems, methods and computer program products for translating documents written in

foreign languages (see abstract).

As to claims 5 and 37, D'Arlach and Kobayakawa teach the method of claims 8

and 36.

D'Arlach and Kobayakawa fail to teach the limitation further including the user

web document and the prearranged web document both relating to the funeral industry.

However, Evans teaches a monitoring apparatus for providing information concerning the life of a deceased to visitors to a funeral home (see abstract). Evans teaches the use of a PC and a display for the retrieval of information of a deceased individual (col. 2, lines 13-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach and Kobayakawa in view of Evans to use a user web document and the prearranged web document both relating to the funeral industry. One would be motivated to do so because it allows an efficient way to develop personalized web documents regarding a deceased.

As to claim 33, D'Arlach, Kobayakawa, and Evans teach the system of claim 30 wherein said user variables are in a first language and said user web document is generated in a second language (col. 6, lines 35-48, Kobayakawa).

As to claim 34, D'Arlach, Kobayakawa, and Evans teach the system of claim 33, wherein said first and second languages are spoken languages (col. 6, lines 35-48).

Regarding claim 38, D'Arlach, Kobayakawa, and Evans teach the product of claim 37, wherein the product is configured to allow a user to create a web-based document comprising information for a deceased person in the desired spoken language (col. 6, lines 35-48).

Regarding claim 39, D'Arlach, Kobayakawa, and Evans teach the product of claim 38, wherein when the web-based form document is change, automatically updating the created web-based document (col. 7, lines 25-40, D'Arlach discloses automatic updates after changes).

7.   Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over D'Arlach in view of Kobayakawa et al., U.S. Patent No. 6,119,078, further in view of Evans, III, U.S. Patent No. 5,732,231.

D'Arlach teaches the invention substantially as claimed including creating and maintaining a Web site in client-server network environments (see abstract). Kobayakawa teaches the invention substantially as claimed including data processing systems, methods and computer program products for translating documents written in foreign languages (see abstract).

As to claim 30, D'Arlach teaches a system that automatically generates a web document in real time comprising:

a database with preprogrammed information (col. 5, lines 1-3);

a form document (col. 6, lines 25-29);

user variables wherein said user variables are selected from said preprogrammed information using said form document (col. 6, lines 2-29); and

a user web document that is capable of being displayed on a computer using a

web browser, wherein said user web document is automatically generated based on

said desired user variables and said form document (col. 6, lines 40-44),

D'Arlach fails to teach the limitation further including selecting a desired spoken

language from a choice of languages for said form document, and said user web

document is dynamically generated in real time in said desired spoken language,

wherein said user web document relates to the funeral industry.

However, Kobayakawa teaches data processing systems, methods and

computer program products for translating documents written in foreign languages (see

abstract). Kobayakawa teaches the use of a user choosing a translation environment,

automatic translation, and foreign and native languages (col. 6, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify D'Arlach in view of Kobayakawa to select a desired spoken

language from a choice of languages for said form document, and said user web

document is dynamically generated in real time in said desired spoken language. One

would be motivated to do so because it allows for users with different native languages

to view the same web document in their language (col. 2, lines 1-4).

D'Arlach and Kobayakawa fail to teach the limitation further including the user

web document relating to the funeral industry.

However, Evans teaches a monitoring apparatus for providing information

concerning the life of a deceased to visitors to a funeral home (see abstract). Evans

teaches the use of a PC and a display for the retrieval of information of a deceased individual (col. 2, lines 13-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach and Kobayakawa in view of Evans to use a user web document and the prearranged web document both relating to the funeral industry. One would be motivated to do so because it allows an efficient way to develop personalized web documents regarding a deceased.

8.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Arlach and Kobayakawa further in view of Dan et al., U.S. Patent No. 6,560,639.

D'Arlach teaches the invention substantially as claimed including creating and maintaining a Web site in client-server network environments (see abstract). Kobayakawa teaches the invention substantially as claimed including data processing systems, methods and computer program products for translating documents written in foreign languages (see abstract).

As to claim 24, D'Arlach and Kobayakawa teach the method of claim 8.

D'Arlach and Kobayakawa fail to teach the limitation further including the step of automatically generating a user web document comprising automatically generating a user web document using computer software programmed in PHP.

However, Dan teaches a method and system for integrating site architecture, navigation, design, and management (see abstract). Dan teaches the use of a web page made in PHP (col. 27, lines 60-63).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify D'Arlach and Kobayakawa in view of Dan to use a PHP web

document. One would be motivated to do so because PHP is a known and efficient

format for web document programming.

9.   Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Arlach

and Kobayakawa further in view of Cohn et al., U.S. Patent No. 6,317,791.

D'Arlach teaches the invention substantially as claimed including creating and

maintaining a Web site in client-server network environments (see abstract).

Kobayakawa teaches the invention substantially as claimed including data processing

systems, methods and computer program products for translating documents written in

foreign languages (see abstract).

As to claim 41, D'Arlach and Kobayakawa teach the method of claim 8.

D'Arlach and Kobayakawa fail to teach the limitation further including wherein at

least one of said user variables is assigned to an audio file, and wherein the audio file

presented when the web page is generated in said first language differs from the audio

file presented when the web page is generated in said second language.

However, Cohn teaches distributing data from a host server to a browsing device

via a communications network such as the Internet (see abstract). Cohn teaches the

use of an audio attribute of a web page (col. 6, lines 61-67).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify D'Arlach and Kobayakawa in view of Cohn to use a user variable

assigned to an audio file, and wherein the audio file presented when the web page is

generated in said first language differs from the audio file presented when the web page

is generated in said second language. One would be motivated to do so because it is a

known and useful attribute for web pages.

Response to Arguments

10.   Applicant's arguments filed February 21, 2006 have been fully considered but

they are not persuasive.

11.   Regarding the argument to the claims 8 and 30, the applicant argues that the

reference, Kobayakawa, does not disclose the dynamic generation of a web document

and that the translation of a web page is actually just a link for a similar web page. The

examiner disagrees, as seen in, column 3, there is the dynamic generation of one web

page to another.

12.   In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., the user web page not being generated based on a translation engine's analysis of

an existing web page) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into

the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13.   In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the knowledge is generally available in the Kobayakawa reference.

Conclusion

14.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,260,039 to Schneck et al.

U.S. Pat. No. 6,292,772 to Kantrowitz

U.S. Pat. No. 6,340,978 to Mindrum

U.S. Pat. No. 6,490,547 to Atkin et al.

U.S. Pat. No. 6,609,150 to Lee et al.

U.S. Pat. No. 5,784,562 to Diener

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.
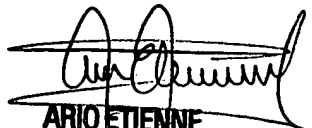
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Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

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